



INDIAN HOUSING PROGRAM

FY 1997 APPLICATION KIT

Prepared by:

**U.S. Department of Housing and Urban Development
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Washington, D.C. 20410**

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INTRODUCTION

This application kit is to be used to apply for new Indian Housing Development allocations made under the Notice of Funding Availability (NOFA) for Fiscal Year 1997. This kit is organized to facilitate the preparation of applications and should assist potential applicants in submitting a complete and accurate application for review and possible fiscal year funding.

PART I: HOW TO APPLY FOR NEW INDIAN HOUSING DEVELOPMENT FUNDING:

This portion of the application kit provides each potential applicant with basic information on how to develop your application, respond to application questions, and a line by line explanation of each section of the application form.

PART II: APPLICABLE FORMS AND WORKSHEETS:

This portion of the application kit provides each potential applicant with copies of all forms and any other instructions that will ease the preparation of the application and ensure that all documents are submitted in accordance with current requirements.

The applicant must also obtain a copy of the Notice of Funding Availability (NOFA) for Fiscal Year 1997 for Indian applicants applying for new Indian Housing Development programs as published in the Federal Register.

APPLICATION SUBMISSION PROCESS:

1. An original and two copies of the application must be submitted to the HUD Office of Native American Programs having jurisdiction over the applicant on or before 3:00 P. M. (local time), on the deadline specified in the NOFA for new Indian housing units as published in the Federal Register. The applicant shall submit its application(s) for new housing units on Form HUD-52730 (5/94) with all supporting documents. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department shall treat as ineligible for consideration any application that is received after the deadline.
2. HUD will acknowledge receipt of the application.
3. If an ineligible IHA submits an application, the HUD Office of Native American Programs (ONAP) will return the application without review. The ONAP will also outline the specific reasons for the determination of ineligibility. Criteria for determining eligibility to apply for Indian housing is contained in the NOFA and at 24 CFR 950.207.

INFORMATION CONTACT:

If you have any questions about this application kit or the Indian Housing development program in general, please contact your local HUD Office of Native American Programs. A list of such HUD Offices of Native American Programs, addresses, and telephone numbers is included as part of this application kit.

AUTHORITY:

1. Statutory Authority. Secs. 5 and 6, U.S. Housing Act of 1937 (42 U.S.C. 1437c, 1437d)

as amended, U.S. Department of Housing and Urban Development and Independent Agencies Appropriations Act for Fiscal Year 1997; (Pub. L. 104-204, approved Sept 26, 1996); Section 23, U.S. Housing Act of 1937, (42 U.S.C 1437u); Sec. 7(d), U.S. Department of Housing and Urban Development Act (42 U.S.C. 3535d).

2. Indian Housing Regulations. Indian housing development regulations are published as a final rule at 24 CFR Part 950.

PART I

HOW TO APPLY

A: ASSEMBLING YOUR APPLICATION:

This application kit provides all the basic tools required for the preparation of a complete new Housing Development program submission. The following tips are noted to broadly assist in the preparation and submission of a complete application.

1. Respond to all questions clearly and with accurate information.
2. Applicants are encouraged to include with their application a narrative preliminary development plan discussing how the IHA intends to proceed with the development should the application be funded. The plan should discuss such issues as:
 - staffing required for the planning and construction periods;
 - construction method planned;
 - a description of the site(s);
 - any site characteristics that may impact upon the design of the housing development;
 - off-site water and sewer requirements including Tribal and/or Indian Health Service site review comments and estimated costs of infrastructure improvements;
 - access to the site including references to contacts made with the Tribe, local governing body and/or the Bureau of Indian Affairs (BIA) regarding the timing and requirements for off-site roads;
 - a schedule for completing the project;
 - any unusual costs associated with the project;
 - how solid waste disposal for the proposed development will be addressed;
 - how the issue of access for public utilities is being addressed;
 - how the issue of any project streets being entered on the BIA Reservation Roads prioritization schedule is being addressed.

For IHAs organized under State law:

-how compliance with the Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8 and the Americans with Disabilities Act of 1990 (ADA) and implementing regulations for Title II of the ADA issued by the Department of Justice at 28 CFR part 35 is being addressed.

Your IHA will not be bound by the preliminary development plan nor will it have any effect on the rating and ranking of applications. The preliminary plan will only be used to assist in the calculation of funds to reserve for the application.

3. Be sure to include the amount of funds the IHA believes are needed to develop the project.

4. Sign all documents in the appropriate places.

5. Complete the checklist in Part II to assure all required documents are included in your submission to HUD.

6. Submit your application on a timely basis to the HUD Office of Native American Programs under whose jurisdiction your IHA falls.

B: THE APPLICATION FORM ITSELF - HUD-52730

In the following, each line and requirement in the application form (included in this package) is explained to assist in preparation and submission of the application.

Complete the heading of the application form by filling in the blanks indicating the name of the IHA, number of units requested, the total amount of funds requested for the development. A blank space is also shown on the form to specify the amount, included in the total funds requested, which the IHA expects to need for off-site water and sewer improvements.

Complete the legal area of operation, mailing address of the IHA and the name and address of the Tribe or governing body.

SECTION A: LOCATION OF THE PROPOSED PROJECT

In this section the applicant is asked to identify the proposed location of the project, the County or Reservation, Congressional District, and the number of units being requested for each location.

SECTION B: PROPOSED PROGRAM TYPE AND PRODUCTION METHOD

1. Select either Mutual-Help or Rental housing.
2. Indicate the production method the IHA has chosen to develop the project. If the Force Account method is selected, the IHA must submit additional requirements listed on the submission checklist (Part II) which are applicable only to this method of development.

SECTION C: ANTICIPATED DWELLING UNIT CHARACTERISTICS

Indicate number of units requested by building type: elderly, handicapped, disabled, or non-elderly, and by unit size. Detached is defined for this application as one to four dwelling units in a structure; row as more than four dwelling units in a structure. If the applicant proposes to develop multi-story apartment or condominium units, a pen and ink change should be made to the form indicating the selection.

SECTION D: LAND STATUS

In addition to marking the appropriate block on the application form, the IHAs are encouraged to submit an identification of sites for these projects. The form of identification may be an area map with the site locations clearly identified, a listing of legal descriptions of the selected sites, or some other method chosen by the IHA.

Site identification is not required, however, IHAs are encouraged to review and select sites for rental, mutual-help and mutual self-help projects before submitting an application for housing and including information relating to site selection in the development plan mentioned under Part I, A: 2.

SECTION E: NEED

Fill in the blank space with the waiting list totals for the program type being applied for. **NOTE:** The number of applications on the waiting list must be supported by actual eligible applications on file with the IHA. Additional waiting list information, as well as the old Table A information, are not required to be submitted in support of the application unless HUD has previously identified deficiencies in the IHA's procedures for maintaining waiting lists and has notified the IHA that additional support must be submitted with applications for housing. HUD may request documentation of waiting list numbers or review waiting lists during visits to the IHA.

SECTION F: COMPLIANCE WITH SECTION 213

The Housing & Community Development Act of 1974 included a provision under Section 213 that the unit of general local government must have the opportunity to comment on assisted housing proposed to be constructed in their area of jurisdiction. In Indian housing, IHAs have traditionally solicited this review before submitting an Application for Housing. Tribal support is documented by submitting a letter from the Chief Executive Officer (CEO) of the Tribe or local governing body expressing the need for assisted housing and the support of the tribe for the proposed project.

To complete this section of the application, check the appropriate block and attach a letter of support from the CEO of the Tribe.

SECTION G: NEW HOUSING DEVELOPMENT CERTIFICATIONS

The certifications section consolidates a number of certification requirements as part of the new application form. Each applicant is cautioned, however, that each certification must be reviewed for compliance prior to signing the application. The official signing the application form is indicating that all facets are being adhered to, and if not, written documentation is attached explaining the reasons for non-compliance.

NOTE: Not all certifications are included on the application form. Please refer to the Checklist in PART II to assure all required certifications are submitted with the application.

SIGNATURE LINES

Complete the application form by signing and dating the form. The individual who signs the application must be authorized to do so in the approving Board Resolution or the HUD ONAP will not be able to approve the request for housing assistance. **NOTE:** Applicants are reminded that signing the application certifies to the accuracy of all statements therein, including the certifications listed under Section G.

***IMPORTANT:**

Carefully review the checklist of application submission requirements to ensure that all necessary resolutions and certifications are part of the total application package prior to submission to the HUD Office of Native American Programs.

ADDITIONAL RELATED ITEMS OF INTEREST

1. If the Force Account method of production is chosen, 24 CFR 950.215 requires that the IHA submit a justification for approval of the force account with the application.
2. In order to avoid confusion over the issue of new IHAs, applicants are reminded that new IHAs go to the top of the funding list in order to give tribes with no housing the opportunity to participate in the housing programs. If an IHA with only one of our two types of programs applies for the other program, they do not go to the top of list. In

addition, a Tribe that separates from an umbrella IHA and creates its own IHA will compete as an existing IHA if the Tribe has previously received Indian housing units. New IHAs are limited to applying for either a Mutual Help or a Rental Project, and for no more than 15 units.

3. IHA Board Resolutions do not require submission of supporting documents such as certified copies of Transcripts of Proceedings. Any supporting document review will be accomplished during periodic site visits.
4. Cooperation agreements do not have to be submitted with the application. Where a cooperation agreement is required, the IHA must submit it no later than completion of project planning. Until executed cooperation agreements are received, the amount of funds under annual contributions contract is limited to the minimum required for preliminary project planning.
5. Two categories for which bonus points may be earned are where the IHA demonstrates that:
 - (i) Pre-planning of site selection and coordination with other funding agencies, utility companies, and tribal departments, or (ii) that the applicant has identified and selected sites for the development which result in savings of not less than 5 percent of the proposed development cost from using existing utility systems, pre-developed subdivision sites, or other items documented by the applicant, or (iii) innovative approaches to development or financing which will significantly reduce the delivery time of housing or expand the number of houses developed without reducing quality has occurred.
 - Coordination with programs designed and implemented through other tribal or regional governmental entities or cooperation with non-profit groups that has reduced the cost of services to be provided, maximized the effective use of grant funds, and/or addressed a broad range of community based assistance has occurred.

PART II

APPLICABLE FORMS - WORKSHEETS SAMPLE DOCUMENTS

A: CHECKLIST OF APPLICATION SUBMISSION REQUIREMENTS

NOTE: *Certain submission requirements listed on the following checklist are included on the application form HUD-52730. It is the responsibility of the IHA to assure that all submission requirements of the checklist are met whether through the application form or by separate submittal:*

1. Application Form HUD-52730:
 - _____ Complete application on Form HUD-52730 (5/94).
 - _____ Attach all exhibits and tables as required.
2. IHA Resolution(s): each application must be accompanied by an IHA Resolution which contains the following:
 - _____ A statement that authorizes the submission of the application for units.
 - _____ A statement explaining how solid waste disposal for the proposed development will be addressed.
 - _____ A statement regarding the planned access to public utility services and a listing of any official commitment(s) for these utility services for the development.
 - _____ The IHA Resolution must advise HUD of any persons with a pecuniary interest in the proposed development. Persons with a pecuniary interest in the development shall include but not be limited to any developers, contractors, and consultants involved in the application, planning, construction, or implementation of the development. (During the period when an application is pending or assistance is being provided, the applicant shall update the disclosure required within thirty days of any substantial change.)
3. Certifications: Each application must contain the following certifications provided by the Executive Director on IHA letterhead, in addition to the certifications included on Form HUD-52730 (5/94).
 - _____ Certification Regarding Drug-Free Workplace Requirements as directed by 24 CFR 24.630(b).
 - _____ Certification that the IHA has complied with all requirements of 24 CFR Part 135, which implements Section 3 of the HUD Act of 1968, as amended.
 - _____ Certification that the IHA has complied with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Indian Civil Rights Act or Fair Housing Act, as applicable.
4. Letters: Each IHA application must be accompanied by a letter of support signed by the CEO of the general local government indicating:
 - _____ Support for the proposed application and development.
 - _____ Support for the IHA's intent to apply for planning funds for the development.
 - _____ Where applicable, assurance to HUD that access road needs will be identified by Tribal Resolution (with BIA concurrence) and entered on the BIA Indian Reservation Roads prioritization schedule used by BIA for resource allocation (25 CFR Part 170: 57 BIAM 4 and Supplement 4).
 - _____ Acknowledgement that there is a need for the housing assistance applied for that is not being met by private enterprise.
 - _____ Assurance that there are, or will be available, public facilities and services adequate to serve the proposed housing. (If available, Tribal support is evidenced by attached letters from various organizations that will provide utilities and services to the proposed housing units.)

5. Supporting Documentation: Each application must be accompanied by the following supporting documentation:
 - _____ Disclosure of additional assistance from other sources that will be used in association with the project for which the applicant is seeking assistance.
 - _____ Statement specifying the number of eligible applicant families by program type (LR or MH). The statement must be supported by a sufficient number of current applications from eligible families maintained by the IHA.
 - _____ A table reflecting by program type: the total number of units in management (include homeownership units which are paid off but not conveyed), number of units occupied, and the number of vacant units as of September 30, 1996.
 - _____ Data on Indian Housing units under management by an IHA. Such information includes total number of units, number of units occupied, and number of vacant units.
6. Bonus points will be added to the total score for the following:
 - _____ Up to 5 points will be awarded where the applicant clearly demonstrates:
 - (i) Pre-planning of activities including site selection and coordination with other funding agencies, utility companies, and tribal departments, or
 - (ii) Identification and selection of sites for the development which result in savings of not less than 5 percent of the proposed development cost from using existing utility systems, pre-developed subdivision sites, or other documented items or
 - (iii) Innovative approaches to development or financing which will significantly reduce the delivery time of housing or expand the number of houses developed without reducing quality.
 - _____ Up to 5 points will be awarded where the application clearly demonstrates coordination with programs designed and implemented through other tribal or regional governmental entities or cooperation with non-profit groups that have reduced the cost of services to be provided, maximized the effective use of grant funds, and/or addressed a broad range of community-based assistance.
7. Items That Should be Submitted, If Not Previously Submitted:
 - _____ Certified Copy of the Transcript of Proceedings containing the IHA Resolution pursuant to which the Application is being made.
 - _____ IHA Organization Transcript or General Certificate.
 - _____ Tribal Ordinance.
8. Optional Items:
 - _____ Cooperation Agreements. Where the provisions of the necessary local government cooperation are not contained in the ordinance or other enactment creating the IHA, the IHA is required to execute a cooperation agreement(s) for the location involved, which is sufficient to cover the number of units in the application. The cooperation agreement may be submitted with the application but shall be submitted before HUD may enter into an Annual Contributions Contract (or amendment thereto) for funds in excess of planning needs of the project.
9. Force Account. To enable the Field Office of Native American Programs to make an initial determination of the viability of the proposal, there are additional submission requirements for the application, including:
 - _____ IHA justification for HUD approval of the force account method, pursuant to 24 CFR 950.215(b).
 - _____ IHA or Tribal resolution agreeing to cover any costs in excess of the HUD-approved estimated construction cost.
 - _____ Evidence that either the IHA or Tribe has the resources to cover such excess costs.
 - _____ An action plan as outlined in the Indian Housing Development Guidebook, Chapter 11, Section 11-4, page 11-6.

10. Special submittal requirements for state created IHAs for non-Federally recognized tribes:
- _____ Certification, signed by the Chairman of the IHA Board of Commissioners stating that sites selected or to be selected are within the IHA's area of operation.
 - _____ Supporting documentation including maps, state laws and local ordinances, and other relevant information which documents the IHA's area of operation, i.e., defined geographic boundaries which have a significant concentration of Indian families who are not eligible to be served by a public housing authority or tribally created IHA and have a bona fide historic presence or connection with the land, as recognized by the Federal Government or a state.

TRIBES & IHAs LOCATION	ONAP ADDRESSES
<p>East of the Mississippi River (including all of Minnesota) and Iowa:</p> <p>Mohammed Rahmah e-mail: mohammed_m._rahmah@hud.gov</p>	<p>Eastern/Woodlands Office of Native American Programs, 5P Metcalfe Federal Building 77 West Jackson Boulevard Chicago, Illinois 60604-3507 (312) 886-4532 or (800) 735-3239 TTY Numbers: 1-800-927-9275 or 312-886-3741</p>
<p>Louisiana, Missouri, Kansas, Oklahoma, and Texas except for Ysleta del Sur:</p> <p>Sherry Hunt e-mail: sherry_c._hunt@hud.gov</p>	<p>Southern Plains Office of Native American Programs, 6.IPI 500 W. Main, Suite 400 Oklahoma City, Oklahoma 73102 (405) 553-7545 TTY Numbers: (405) 231-4181 or (405) 231-4891</p>
<p>Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming:</p> <p>Ann Roman e-mail: carol_a._roman@hud.gov</p>	<p>Northern Plains Office of Native American Programs, 8P First Interstate Tower North 633 17th Street Denver, Co 80202-3607 (303) 672-5465 TTY Number: (303) 672-5248</p>
<p>Arizona, California, and Nevada</p> <p>Barbara Byestewa e-mail: barbara_a._byestewa@hud.gov</p> <p>New Mexico and Ysleta del Sur in Texas:</p> <p>Johnny Cata e-mail: johnny_j._cata@hud.gov</p>	<p>Southwest Office of Native American Programs, 9EPID Two Arizona Center 400 North Fifth Street, Suite 1650 Phoenix, Arizona 85004-2361 (602) 379-4143 TTY Number: (602) 379-4461</p> <p>or</p> <p>Albuquerque Division of Native American Programs, 9EPIDI Albuquerque Plaza 201 3rd Street, N.W. Suite 1830 Albuquerque, New Mexico 87102-3368 (505) 766-1372 TTY Number: None</p>
<p>Idaho, Oregon and Washington:</p> <p>Dan Gough e-mail: daniel_gough@hud.gov</p>	<p>Northwest Office of Native American Programs, 10PI 909 First Avenue, Suite 300 Seattle, Washington 98104-1000 (206) 220-5273 TTY Number: (206) 220-5185</p>
<p>Alaska:</p> <p>Donna Hartley e-mail: donna_hartley@hud.gov</p>	<p>Alaska Office of Native American Programs, 10.1PI 949 East 36th Avenue, Suite 401 Anchorage, Alaska 99508-4399 (907) 271-4625 TTY Number: (907) 271-4328</p>

SAMPLE FORM

RESOLUTION BY INDIAN HOUSING AUTHORITY
AUTHORIZING AND DIRECTING THE SUBMISSION OF AN APPLICATION
FOR A LOW-INCOME INDIAN HOUSING PROGRAM

RESOLUTION NUMBER _____

WHEREAS, the United States Housing Act of 1937 provides that there shall be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise; and

WHEREAS, under the provisions of the United States Housing Act of 1937, the Secretary of Housing and Urban Development is authorized to provide financial assistance to public housing agencies for low income housing; and

WHEREAS, the Rehabilitation Act of 1937 is applicable to Indian Housing Authorities (IHAs) and implemented under the provisions of 24 CFR 8; and

WHEREAS, HUD requires that the IHA explain how solid waste disposal for the development project will be addressed; and

WHEREAS, HUD requires that the IHA incorporate a statement into its resolution regarding the planned access to public utility services for development, and a listing of any official commitment for these utility services; and

WHEREAS, HUD requires the IHA to advise HUD of any persons with a pecuniary interest in the proposed development; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the _____ Indian Housing Authority as follows:

1. The _____ Indian Housing Authority hereby determines that within its area of operation there is a need for low income housing to meet the needs not being adequately met by private enterprise.
2. That the Executive Director shall cause to be prepared and the Chairperson, Vice Chairperson, or Executive Director (*choose one or more authorized persons*) shall sign and send to the United States Department of Housing and Urban Development an application for financial assistance for not to exceed approximately _____dwelling units of low income housing to be provided by new construction, or by acquisition, or by acquisition and rehabilitation of existing housing, and for a preliminary planning grant in an amount not to exceed \$ _____(*enter the amount the IHA determines as necessary for planning purposes*). The Chairperson, Vice Chairperson, Executive Director (*choose one or more persons*) is authorized to execute an ACC amendment for such planning funds on behalf of the IHA and the Secretary is hereby authorized to impress and attest the Seal of the Housing Authority on such ACC amendment and submit the executed counterparts and related documents as required by HUD.

3. In connection with the development and operation of any program or activity receiving Federal financial assistance under the United States Housing Act of 1937, regardless of when such program or activity or any portion thereof was or is initially covered by any contract, the Indian Housing Authority (IHA) will comply with all requirements imposed by the Indian Self-Determination and Education Assistance Act (25 U.S.C. Section 450, 455-458), Executive Order 11246, and HUD regulations pursuant to the above, to the extent applicable to the IHA.

4. Solid waste disposal for the development project is a concern to the IHA, and will be addressed in a timely manner in compliance with all applicable HUD and other federal, state, and local requirements. Prior to final approval of the Development Program for the project, the IHA will provide any necessary information and assurances required to be submitted by HUD.

5. Public utility services will be available and adequate to serve the proposed housing. The following entities have made an official commitment to developing the needed utility services:

The following entities will be contacted to procure commitments for the required utility services: _____

6. The following persons have acquired a pecuniary interest in the proposed development: (developers, contractors, consultants, etc): _____

During the time when an application is pending or assistance is being provided, the IHA will update the required disclosure to HUD within 30 days of any substantial change.

7. Additional assistance in the amount of \$_____ will be provided by _____ to be used in support of the project applied for.

8. The IHA has complied with all requirements of 24 CFR Part 135, which implements Section 3 of the HUD Act of 1968, as amended.

9. For IHAs organized under State Law: Projects are in compliance with Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8 and the Americans with Disabilities Act of 1990 (ADA) and implementing regulations for Title II of the ADA issued by the Department of Justice at 28 CFR Part 35. NOTE: Title II of the ADA is not applicable to IHAs established by exercise of a tribe's powers of self-government.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the _____ Indian Housing Authority at a properly called meeting, at which a quorum was present and that same was passed by a vote of _____ in favor, _____ opposed, and _____ abstaining, and that said resolution has not been rescinded or amended in any way.

DATED THIS _____ DAY OF _____, 199 _____

SECRETARY

INDIAN HOUSING AUTHORITY

SAMPLE FORM

LETTER OF SUPPORT - IHA APPLICATION FOR
NEW HOUSING UNITS AND REQUEST FOR PLANNING FUNDS

(Submit on Tribal Government letterhead)

Date: _____

Address To: Administrator, Office of Native American Programs

The _____ Tribe acknowledges that the _____ Indian Housing Authority is submitting an application for new Indian Housing units for Federal Fiscal Year _____. The Tribal government acknowledges that there is a need for the housing assistance applied for and that there is or will be available public facilities and services adequate to serve the proposed housing. In making this determination, we have considered applicable housing plans. Tribal support for this proposed housing is further evidenced by the attached letters from various organizations (*if available*) that will provide utilities and services to the housing units. Access road needs will (*or have been*) be identified by Tribal Resolution and, subject to Bureau of Indian Affairs (BIA) requirements, will be entered on the Reservation Roads prioritization schedule used by the BIA for resource allocation.

It is the policy of the Tribal government to eliminate substandard and other inadequate housing and to provide its citizens with an opportunity to have decent, safe, and sanitary housing. There exists a need for such lower income housing because this need is not being met by private enterprise.

Accordingly, the application for the development is hereby approved.

(Signed by the chief executive officer of the Tribe)

SAMPLE FORM